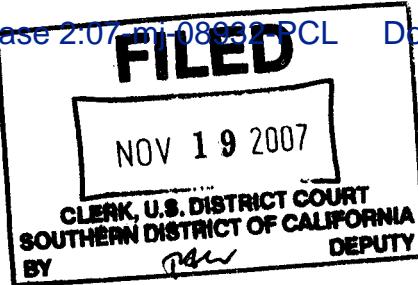


AJSA



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 8932

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
Jose Baudlio GASTELUM, Jr.,  
Defendant.

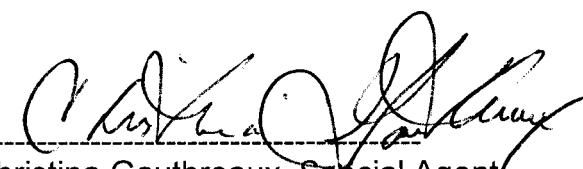
} Magistrate Case No.:  
COMPLAINT FOR VIOLATION OF  
21 U.S.C. § 952 and 960  
Importation of a Controlled Substance  
(Felony)

13 The undersigned complainant being duly sworn states:

14 That on or about November 17, 2007, within the Southern District of California,  
15 defendant Jose Baudlio GASTELUM, Jr., did knowingly and intentionally import  
16 approximately 28.82 kilograms (63.40 pounds) of marijuana, a Schedule I Controlled  
17 Substance, into the United States from a place outside thereof, in violation of Title 21,  
18 United States Code, Sections 952 and 960.

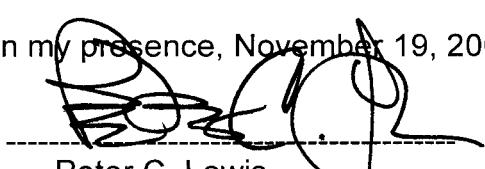
19 The complainant states that this complaint is based on the attached Statement  
20 of Facts incorporated herein by reference.

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Christina Gauthreaux, Special Agent  
Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence, November 19, 2007.



Peter C. Lewis  
U.S. MAGISTRATE JUDGE

1 **UNITED STATES OF AMERICA**

2 **v.**  
3 **Jose Baudlio GASTELUM, Jr.**

4 **STATEMENT OF FACTS**

5 This complaint is based on the personal observations, investigation, and  
6 information furnished to Immigration and Customs Enforcement Special Agent Christina  
7 Gauthreaux.

8 On November 17, 2007, at approximately 1815 hours, Jose GASTELUM, Jr.  
9 entered the United States from the Republic of Mexico at the Calexico, CA, East Port of  
10 Entry. GASTELUM was the driver of a red 1998 Dodge Avenger bearing license plate  
(CA/US) 5XET901.

11 Primary Customs and Border Protection Officer (CBPO) Molina received a  
12 negative Customs Declaration from GASTELUM. CBPO Martinez inquired about  
13 GASTELUM's destination. GASTELUM stated he was going to Brawley, CA. CBPO  
14 Molina asked where GASTELUM lived and he stated Westmoreland. CBPO Molina  
15 proceeded to inspect the vehicle and noticed that the quarter panels and bumper  
16 sounded solid when he tapped them. CBPO Molina decided to refer GASTELUM to the  
17 secondary lot for further inspection.

18 In secondary, CBPO Rangel received a negative Customs Declaration from  
19 GASTELUM. CBPO Rangel requested that GASTELUM open the hood and trunk and  
20 step out of the vehicle. GASTELUM became very talkative during CBPO Rangel's  
21 inspection of the vehicle. CBPO Rangel pressed down on the back seat area of the  
22 vehicle and noticed it felt solid. CBPO Rangel continued and unlatched the back seat  
23 from the floor and discovered a package in the rear seat well.

24 A thorough physical search of the vehicle revealed 22 packages concealed in the  
25 back seat, both rear quarter panels, and both front seat backs. A presumptive field test  
26 of one of the packages indicated the contents of these packages to be marijuana. The  
27 total weight of the packages was approximately 28.82 kilograms (63.40 lbs).  
28

1 GASTELUM was notified of his arrest and advised of his Miranda Rights, which  
2 he acknowledged and waived. GASTELUM admitted knowledge of the marijuana and  
3 stated he was to be paid \$2000.00 for the smuggling venture. GASTELUM was  
4 processed and transported to Imperial County Jail.

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